

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-00340-BAH**

ENERGY & ENVIRONMENT LEGAL INSTITUTE v.
UNITED STATES DEPARTMENT OF STATE
Assigned to: Chief Judge Beryl A. Howell
Cause: 05:552 Freedom of Information Act

Date Filed: 02/27/2017
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**ENERGY & ENVIRONMENT
LEGAL INSTITUTE**

represented by **Chaim Mandelbaum**
FREE MARKET ENVIRONMENTAL
LEGAL CLINIC
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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TERMINATED: 11/01/2018

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TERMINATED: 11/01/2018

V.

Defendant

**UNITED STATES DEPARTMENT OF
STATE**

represented by **Marina Utgoff Braswell**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
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02/27/2017	<u>1</u>	COMPLAINT against UNITED STATES DEPARTMENT OF STATE (Filing fee \$ 400 receipt number 0090-4855350) filed by ENERGY & ENVIRONMENT LEGAL INSTITUTE. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons to Civil Process Clerk of US Attorney, # <u>3</u> Summons To United States Department of State, # <u>4</u> Summons to Attorney General)(Mandelbaum, Chaim) (Entered: 02/27/2017)
02/27/2017		Case Assigned to Chief Judge Beryl A. Howell. (zsb) (Entered: 02/27/2017)
02/27/2017	<u>2</u>	SUMMONS (3) Issued Electronically as to UNITED STATES DEPARTMENT OF STATE, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Consent Form)(zsb) (Entered: 02/27/2017)
02/28/2017	<u>3</u>	STANDING ORDER. Signed by Chief Judge Beryl A. Howell on February 28, 2017. (lcbah4) (Entered: 02/28/2017)
03/01/2017	<u>4</u>	NOTICE of Appearance by Christopher Cochran Horner on behalf of ENERGY & ENVIRONMENT LEGAL INSTITUTE (Horner, Christopher) (Entered: 03/01/2017)
03/29/2017	<u>5</u>	NOTICE of Appearance by Marina Utgoff Braswell on behalf of UNITED STATES DEPARTMENT OF STATE (Braswell, Marina) (Entered: 03/29/2017)
04/06/2017	<u>6</u>	ANSWER to Complaint by UNITED STATES DEPARTMENT OF STATE.(Braswell, Marina) (Entered: 04/06/2017)
04/17/2017	<u>7</u>	NOTICE of Appearance by Matthew D. Hardin on behalf of All Plaintiffs (Hardin, Matthew) (Entered: 04/17/2017)
04/20/2017	<u>8</u>	PROPOSED BRIEFING SCHEDULE by UNITED STATES DEPARTMENT OF STATE. (Braswell, Marina) Modified event title on 4/21/2017 (znmw). (Entered: 04/20/2017)
04/21/2017		MINUTE ORDER (paperless) ISSUING, upon consideration of the parties' <u>8</u> Joint Proposed Schedule, the following SCHEDULING ORDER to control further proceedings in this matter: (1) the defendant shall, by May 22, 2017, make the first of monthly interim releases of nonexempt and responsive documents, and provide the plaintiff with an estimated date of completion, and (2) the parties shall, by May 25, 2017, file a further joint proposed schedule. Signed by Chief Judge Beryl A. Howell on April 21, 2017. (lcbah4) (Entered: 04/21/2017)
04/21/2017		Set/Reset Deadlines: Defendant's first monthly interim release and estimated date of completion due by 5/22/2017; Joint Status Report due by 5/25/2017. (tg) (Entered: 04/21/2017)
05/25/2017	<u>9</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF STATE. (Attachments: # <u>1</u> Stein Declaration)(Braswell, Marina) (Entered: 05/25/2017)
05/31/2017		MINUTE ORDER (paperless) DIRECTING, upon consideration of the parties' <u>9</u> Joint Status Report, the parties to file, by June 27, 2017, a further Joint Status Report proposing a schedule to govern future proceedings in this matter. Signed by Chief Judge Beryl A. Howell on May 31, 2017. (lcbah4) (Entered: 05/31/2017)
06/01/2017		Set/Reset Deadlines: Joint Status Report due by 6/27/2017. (tg) (Entered: 06/01/2017)
06/27/2017	<u>10</u>	Joint STATUS REPORT <i>and Proposed Schedule</i> by UNITED STATES DEPARTMENT OF STATE. (Braswell, Marina) (Entered: 06/27/2017)
06/28/2017		MINUTE ORDER (paperless) ISSUING, upon consideration of the parties' <u>10</u> Joint Status Report, the following SCHEDULING ORDER to control further proceedings in this case: (1) by July 21, 2017, the defendant shall file any motion to set the rate of processing of the responsive records in this case; (2) by August 18, 2017, the plaintiff shall file any opposition to the defendant's motion; and (3) by August 30, 2017, the defendant shall file any reply. Signed by Chief Judge Beryl A. Howell on June 28, 2017. (lcbah4) (Entered: 06/28/2017)
06/28/2017		Set/Reset Deadlines: Defendant's motion to set the rate of processing of the responsive records due 7/21/2017; Plaintiff's opposition to defendant's motion due 8/18/2017; Defendant shall file any reply by 8/30/2017. (kt) (Entered: 06/28/2017)

07/21/2017	<u>11</u>	MOTION for Order to Set Rate of Processing records by UNITED STATES DEPARTMENT OF STATE (Attachments: # <u>1</u> Stein Declaration, # <u>2</u> Stein Declaration, Ex. 1, # <u>3</u> Exhibit A: Citizens United Stein Declaration)(Braswell, Marina) Modified to correct typo on 7/24/2017 (znmw). (Entered: 07/21/2017)
08/18/2017	<u>12</u>	STATUS REPORT by ENERGY & ENVIRONMENT LEGAL INSTITUTE. (Mandelbaum, Chaim) (Entered: 08/18/2017)
08/21/2017		MINUTE ORDER (paperless) DIRECTING, upon consideration of the plaintiff's <u>12</u> status report, the plaintiff to clarify whether it is opposed to the defendant's <u>11</u> Motion for Order to Set Rate of Processing Records, which motion seeks to establish a rate of processing plaintiff's FOIA request at 300 "pages" per month. In the plaintiff's <u>12</u> status report, the plaintiff states that it is not opposed to a processing rate of 300 "documents" per month, rather than 300 "pages." Accordingly, the plaintiff shall, by August 23, 2017, state whether it agrees with the government's proposed 300-page processing rate or, if it is opposed, file its opposition. Signed by Chief Judge Beryl A. Howell on August 21, 2017. (lcbah4) (Entered: 08/21/2017)
08/22/2017		Set/Reset Deadlines: Plaintiff Response to the government's proposal due by 8/23/2017. (kt) (Entered: 08/22/2017)
08/22/2017	<u>13</u>	RESPONSE TO ORDER OF THE COURT re Order,,, <i>Response to Court's Minute Order</i> filed by ENERGY & ENVIRONMENT LEGAL INSTITUTE. (Mandelbaum, Chaim) (Entered: 08/22/2017)
08/22/2017		MINUTE ORDER (paperless) GRANTING, upon consideration of the plaintiff's <u>12</u> status report and <u>13</u> response to order of the court, the defendant's <u>11</u> Motion for Order to Set Rate of Processing Records. Accordingly, the defendant shall review and process potentially responsive records, and produce all non-exempt portions of such records, at a rate of no less than 300 pages per month, and shall continue to make monthly releases of all non-exempt information. Upon completion of production, the parties shall file a joint status report proposing a schedule to govern future proceedings in this matter. Signed by Chief Judge Beryl A. Howell on August 22, 2017. (lcbah4) (Entered: 08/22/2017)
11/20/2017	<u>14</u>	STATUS REPORT by UNITED STATES DEPARTMENT OF STATE. (Attachments: # <u>1</u> Stern Declaration)(Braswell, Marina) (Entered: 11/20/2017)
01/22/2018	<u>15</u>	Unopposed MOTION to Stay <i>FOIA Release Due Today</i> by UNITED STATES DEPARTMENT OF STATE (Braswell, Marina) (Entered: 01/22/2018)
01/23/2018		MINUTE ORDER (paperless) GRANTING the government's <u>15</u> Unopposed Motion for a Stay of FOIA Release in Light of Lapse of Appropriations. Accordingly, as Congress restored appropriations to the government on January 22, 2018, the government shall, by January 26, 2018, make its monthly release of nonexempt information pursuant to the Court's Minute Order dated August 22, 2017. Signed by Chief Judge Beryl A. Howell on January 23, 2018. (lcbah4) (Entered: 01/23/2018)
08/15/2018		MINUTE ORDER (paperless) MODIFYING the SCHEDULING ORDER issued on April 21, 2017. The parties shall, by September 5, 2018, and every 45 days thereafter, file a joint status report informing the Court of the status of the defendant's monthly releases and, when appropriate, proposing a schedule for dispositive motions. Signed by Chief Judge Beryl A. Howell on August 15, 2018. (lcbah4) (Entered: 08/15/2018)
08/16/2018		Set/Reset Deadlines: Joint Status Report due by 9/5/2018, and every 45 days thereafter. (tg) (Entered: 08/16/2018)
09/05/2018	<u>16</u>	Joint STATUS REPORT by ENERGY & ENVIRONMENT LEGAL INSTITUTE. (Mandelbaum, Chaim) (Entered: 09/05/2018)
10/22/2018	<u>17</u>	Joint STATUS REPORT by ENERGY & ENVIRONMENT LEGAL INSTITUTE. (Mandelbaum, Chaim) (Entered: 10/22/2018)
11/01/2018	<u>18</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to ENERGY & ENVIRONMENT LEGAL INSTITUTE. Attorney Christopher Cochran Horner terminated. (Horner, Christopher) (Entered: 11/01/2018)

11/01/2018	<u>19</u>	NOTICE <i>of Attorney Withdrawal per LCvR 83.6 (b)</i> by ENERGY & ENVIRONMENT LEGAL INSTITUTE re <u>7</u> Notice of Appearance (Hardin, Matthew) (Entered: 11/01/2018)
12/06/2018	<u>20</u>	STIPULATION of Dismissal by ENERGY & ENVIRONMENT LEGAL INSTITUTE. (Mandelbaum, Chaim) (Entered: 12/06/2018)
12/06/2018		MINUTE ORDER (paperless) DISMISSING this case, with prejudice, in light of the parties' <u>20</u> Joint Stipulation of Dismissal. The Clerk of the Court is directed to close this case. Signed by Chief Judge Beryl A. Howell on December 6, 2018. (lcbah4) (Entered: 12/06/2018)